

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELIZABETH MORATH,

Plaintiff,

-vs-

METROPOLITAN RECOVERY SERVICES, INC.,
d/b/a METROPOLITAN COLLECTION AGENCY,

Defendant.

**NOTICE OF MOTION TO
TRANSFER VENUE TO THE
WESTERN DISTRICT OF
NEW YORK**

Case No. 07-CV-11081

PLEASE TAKE NOTICE that based upon the February 11, 2008 Declaration of Glenn M. Fjermedal, Esq. and the exhibits attached thereto, and the accompanying Memorandum of Law, Metropolitan Recovery Services, Inc., d/b/a Metropolitan Collection Agency, by and through its attorneys, Lacy Katzen LLP, will move this Court at a date and time to be determined by the Court for an Order pursuant to the Federal Rules of Civil Procedure (“FRCP”) Rule 12(b)(3) and 28 U.S.C. § 1406 transferring venue of this case to the Western District of New York, plus such other and further relief as to the Court may seem just, proper and equitable, including the costs and disbursements of this motion.

PLEASE TAKE FUTHER NOTICE that the moving party intends to file and serve reply papers. The opposing party therefore is required to file and serve opposing papers at least eight (8) business days prior to the return date of this motion.

Dated: February 11, 2008

LACY KATZEN LLP

/s/: Glenn M. Fjermedal
Glenn M. Fjermedal, Esq.
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METROPOLITAN RECOVERY SERVICE, INC.,
d/b/a METROPOLITAN COLLECTION AGENCY,

Case No. 07-CV-11081

Defendant.

STATE OF NEW YORK)
COUNTY OF MONROE)

AFFIDAVIT OF SERVICE

I, Gregory J. Gillette, being sworn say:

I am not a party to this action, am over 18 years of age and reside at Rochester, New York.
On February 21, 2008, I served the **NOTICE OF MOTION TO TRANSFER VENUE** by
depositing a true copy thereof, enclosed in a post-paid wrapper, in an official depository
under the exclusive care and custody of United States Postal Service within New York State,
addressed to each of the following persons at the last known address set forth after each
name (see attached list):

/s/: Gregory J. Gillette
GREGORY J. GILLETTE

Sworn to before me this
21st day of February, 2008.

/s/: Victoria R. Billups
Notary Public

Amir J. Goldstein, Esq.
591 Broadway, Suite 3A
New York, New York 10012